

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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In the Matter of ) MM Docket 92-161  
)  
Amendment of Section 73.202(b) ) RM-8011  
Table of Allotments, )  
FM Broadcast Stations. )  
(Glencoe and Le Sueur, Minnesota )

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To: Mass Media Bureau  
(Policy & Rules)

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

COMMENTS ON NOTICE OF PROPOSED RULE MAKING

Waite Park Broadcasting Company, permittee of unbuilt FM station KQXA on Channel 241A at Le Sueur, Minnesota ("Waite Park"), by its attorney, respectfully supports the proposed substitution of Channel 241C3 for Channel 241A, reallocation of the channel from Le Sueur, Minnesota, to Glencoe, Minnesota, as its community of license, and modification of the KQXA construction permit to specify operation on the Channel 241C3, as set forth in the Notice of Proposed Rule Making, DA 92-961, released August 7, 1992, in the above-captioned proceeding. This proceeding is pursuant to Section 1.420(i) of the Commission's rules.

Waite Park hereby incorporates by reference its petition for rule making. In addition, attached hereto as an exhibit is a letter from an officer of the Glencoe Area Chamber of Commerce supporting the proposed rule making.

Waite Park notes that one of the Commission's prerequisites for specifying a new community of license is that the channel reallocation will not deprive the original community of its only existing local

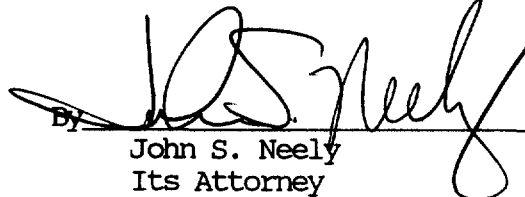
transmission service. Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rod 4870, 66 RR 2d 827 (1989) recon. granted in part, 5 FCC Rod 7094, 68 RR 2d 644 (1990) (hereinafter "Report and Order II") However, Report and Order II indicates at its paragraph 19 and footnote 16 that for purposes of a reallocation under Section 1.420(i) of the Commission's rules, an "existing service" does not include unbuilt construction permits. See, also, Farmington and Gallup, New Mexico, 7 FCC Rod 2382, paragraph 2, (Mass Media Bur. 1992) Station KQXA is an unbuilt station and, therefore, does not constitute an "existing service" for purposes of Section 1.420(i) of the rules.

Upon finalization of this proceeding and amendment of Section 73.202(b) of the rules as proposed, Waite Park will promptly prepare and file an appropriate application for Channel 241C3 at Glencoe, Minnesota. Upon grant of said application, Waite Park will diligently construct the station.

Accordingly, the Commission should amend its rules by allotting Channel 241C3 to Glencoe, Minnesota.

Respectfully Submitted,

WAITE PARK BROADCASTING COMPANY

By   
John S. Neely  
Its Attorney

September 24, 1992

Miller & Miller, P.C.  
P.O. Box 33003  
Washington, DC 20033



# Glencoe

## Chamber of Commerce

Glencoe Area Chamber of Commerce • 630 10th Street East • Glencoe, Minnesota 55336 • (612)864-3650

September 2, 1992

FCC  
Washington DC 20554

To Whom It May Concern:

The Glencoe Area Chamber of Commerce gives it's support to MM Docket 92-161 and Rule Making 8011 in regards to the locating of a 25,000 Watt FM station in Glencoe, Minn.

We feel it would be good for our growing community and area and also a plus for the local and area news and weather updates.

We want to thank you for your time and consideration on this important project.

Sincerely,

Don W. Jaspersen  
Ex. Vice President  
Glencoe Area Chamber of Commerce

DWJ/sk

cc: John Linder  
Box 1420  
Mankato MN 56001